

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX
MARKETING SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION

CASE NO. 05-CV-01699 CRB

MDL No. 1699

This Document Relates To:

PLAINTIFFS LISTED ON EXHIBIT I

**ORDER DISMISSING WITH PREJUDICE
CERTAIN PLAINTIFFS SUBJECT TO
ORDER TO SHOW CAUSE**

Date: February 4, 2011
Time: 10:00 a.m.
Judge: Hon. Charles R. Breyer

On November 22, 2010, this Court issued an Order to Show Cause why certain Plaintiffs – those who had executed settlement agreements with Pfizer or who had agreements in principle, but who had not yet completed the settlement process, or who appeared to file duplicative complaints where the Court dismissed at least one of the complaints already – should not be dismissed for failure to prosecute their claims (“the OSC”). *See* Docket No. 3445. The OSC required any such Plaintiff who wished to oppose the dismissal of his or her suit with prejudice to file a response to the OSC by December 7 and appear in person at a hearing on December 17. Prior to the hearing, a number of plaintiffs filed responses to the OSC (some of which were untimely), and Pfizer submitted a report regarding the progress certain Plaintiffs had made in completing their settlements since the Court issued the OSC.

1 After the hearing, the Court dismissed more than 100 plaintiffs who had failed to respond
2 to the OSC and had not made progress in completing their settlements, but stayed the OSC until
3 February 4, 2011 with respect to more than 700 plaintiffs who had made some progress in
4 completing their settlements ("the OSC Dismissal & Stay"). See Docket No. 3463. Since the
5 Court issued the OSC Dismissal & Stay, a large number of Plaintiffs completed their settlements.
6 Only three Plaintiffs' counsel filed any response to the OSC; one agreed to dismiss his only case
7 with prejudice subject to an agreement with Pfizer relating to Medicare claims; another reported
8 significant progress in finalizing their settlement involving a number of plaintiffs; and another
9 consented to the dismissal of some Plaintiffs but claimed to have made some progress in
10 completing the settlements of other Plaintiffs. No other Plaintiff or Plaintiffs' counsel filed any
11 response to the OSC of any kind (timely or not).

12 After carefully considering the status of the litigation and the ample notice provided to
13 litigants by the Court and Pfizer, the Court hereby ORDERS as follows:

14 1. This Court finds that the Plaintiffs listed in Exhibit 1 either (a) did not respond to
15 the Court's OSC and did not make sufficient progress toward settlement, and thus failed to
16 prosecute their claims adequately, or (b) completed their settlements and consent to dismissal at
17 this time. The claims of all such Plaintiffs hereby are DISMISSED WITH PREJUDICE.

18 2. In light of the parties' progress in resolving the claims of the remaining plaintiffs
19 in the litigation, and the timelines established in Pretrial Order No. 31, the Court will set the next
20 case management conference ("CMC") in this matter for September 30, 2011.

21 3. The Plaintiffs who cases remain active at this time are admonished to complete
22 their settlements in short order. If necessary, the Court will issue another Order to Show Cause if
23 the remaining settlements are not completed by the time of the next CMC.

24 **IT IS SO ORDERED.**

25
26 Dated: February 07, 2011


HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

EXHIBIT 1

In re: Bextra & Celebrex Marketing, Sales Practices, & Product Liability Litigation
MDL No. 1699

EXHIBIT 1

| No. | Case Number | Plaintiff's Last Name | Plaintiff's First Name |
|------------|--------------------------------|------------------------------|-------------------------------|
| 1 | 3:05-cv-03860 | Turner | William |
| 2 | 3:05-cv-04301 | Babin | Ronald |
| 3 | 3:05-cv-04302 | Aiola | Carol |
| 4 | 3:05-cv-04436 | Sneer | Louis |
| 5 | 3:05-cv-05324 | Briley | Robert |
| 6 | 3:05-cv-05324 | Carpenter | Robert |
| 7 | 3:05-cv-05324 | Goodman | Sherman |
| 8 | 3:05-cv-05324 | Kocher | Jerry |
| 9 | 3:05-cv-05355 | Armstrong | Linda |
| 10 | 3:05-cv-05355 | Belleck | Charles |
| 11 | 3:05-cv-05355 | Daniels | Jack |
| 12 | 3:05-cv-05355 | Donoho | William |
| 13 | 3:05-cv-05355 | Hicks | Stephen |
| 14 | 3:05-cv-05355 | Kennedy | Laurie |
| 15 | 3:05-cv-05355 | Lewis | Ruth |
| 16 | 3:05-cv-05355 | Patrick | Gene |
| 17 | 3:05-cv-05356 | Disher | Scott |
| 18 | 3:05-cv-05356 | Hunt | Kenneth |
| 19 | 3:05-cv-05356 | Roseneau | Randal |
| 20 | 3:05-cv-05356 | Sneer | Louis |
| 21 | 3:05-cv-05356 | Untalan | Jose |
| 22 | 3:06-cv-00229 | Armstrong | Linda |
| 23 | 3:06-cv-00229 | Belleck | Charles |
| 24 | 3:06-cv-00229 | Daniels | Jack |
| 25 | 3:06-cv-00229 | Donoho | William |
| 26 | 3:06-cv-00229 | Hicks | Stephen |
| 27 | 3:06-cv-00229 | Kennedy | Laurie |
| 28 | 3:06-cv-00229 | Lewis | Ruth |
| 29 | 3:06-cv-00229 | Patrick | Gene |
| 30 | 3:06-cv-00432 3:06-cv-00452 | Jackson | James |
| 31 | 3:06-cv-01652 | Smith | Leon |
| 32 | 3:06-cv-01879 | Bryant | James |
| 33 | 3:06-cv-01879 | Burns | Mary |
| 34 | 3:06-cv-01879 | Clevinger | John |
| 35 | 3:06-cv-01879 | Fugate | Vurl |
| 36 | 3:06-cv-01879 | Gibbs | Buna |
| 37 | 3:06-cv-01879 | Good | Phyllis |
| 38 | 3:06-cv-01879 | Hamilton | Noralene |
| 39 | 3:06-cv-01879 | Johnson | Shurlie |
| 40 | 3:06-cv-01879 | Keene | Jerry |
| 41 | 3:06-cv-01879 | Mannie | Dortha |
| 42 | 3:06-cv-01879 | Mayard | Doris |
| 43 | 3:06-cv-01879 | Newsome | Sally |

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| No. | Case Number | Plaintiff's Last Name | Plaintiff's First Name |
|------------|--------------------------------|------------------------------|-------------------------------|
| 44 | 3:06-cv-01879 | Pendleton | Kevin |
| 45 | 3:06-cv-01879 | Ramey | Joey |
| 46 | 3:06-cv-01879 | Rowe | Catherine |
| 47 | 3:06-cv-01879 | Slone | Laverne |
| 48 | 3:06-cv-01879 | Terry | Billy |
| 49 | 3:06-cv-01880 | Casey | Roger |
| 50 | 3:06-cv-01880 | Fortney | Fredrick |
| 51 | 3:06-cv-01880 | Hall | Deborah |
| 52 | 3:06-cv-01880 | Hall | Patricia |
| 53 | 3:06-cv-01880 | Hampton | Lonnie |
| 54 | 3:06-cv-01880 | Huff | James |
| 55 | 3:06-cv-01880 | Jones | Patricia |
| 56 | 3:06-cv-01880 | Newsome | Naomi |
| 57 | 3:06-cv-01880 | Russell | Myrtlene |
| 58 | 3:06-cv-01880 | Salisbury | Billie |
| 59 | 3:06-cv-01880 | Sesco | Bobby |
| 60 | 3:06-cv-01880 | St. John | Bonnie |
| 61 | 3:06-cv-01881 | Clark | Beverly |
| 62 | 3:06-cv-01881 | Kilgore | Evelyn |
| 63 | 3:06-cv-01881 | Moore | Carolyn |
| 64 | 3:06-cv-01881 | Ratliff | Lucille |
| 65 | 3:06-cv-01881 | Robinson | Joel |
| 66 | 3:06-cv-01881 | Smith | Joe |
| 67 | 3:06-cv-01881 | Taylor | Fon |
| 68 | 3:06-cv-02081 | Wilson | Mark |
| 69 | 3:06-cv-02474 | Wilson | Faye |
| 70 | 3:06-cv-02479 | Wilson | Faye |
| 71 | 3:06-cv-02678 | Bennett | Stela |
| 72 | 3:06-cv-02678 | Hoyt | Elsie |
| 73 | 3:06-cv-02682 | Hanson | Steve |
| 74 | 3:06-cv-02682 | Karl | Sherry |
| 75 | 3:06-cv-02682 | Pearce | Carol |
| 76 | 3:06-cv-02682 | Wilkinson | James |
| 77 | 3:06-cv-02688 | Talbert | Russell |
| 78 | 3:06-cv-02813 | Fountain | Linda |
| 79 | 3:06-cv-02813 | Gates | Joyce |
| 80 | 3:06-cv-02813 | Gremillion | Deanna |
| 81 | 3:06-cv-02813 | Soileau | David |
| 82 | 3:06-cv-02814 | Butler | James |
| 83 | 3:06-cv-02814 3:06-cv-03680 | Gay | Dana |
| 84 | 3:06-cv-02814 | Lebourgeois | Lynn |
| 85 | 3:06-cv-03487 | Sanders | Barbara |
| 86 | 3:06-cv-03487 | Sanders | Victor |
| 87 | 3:06-cv-03526 | Brantley | Donald |

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EXHIBIT 1

| No. | Case Number | Plaintiff's Last Name | Plaintiff's First Name |
|------------|--------------------|------------------------------|-------------------------------|
| 88 | 3:06-cv-03526 | Bridges | Lavonne |
| 89 | 3:06-cv-03526 | Corbeil | Guy |
| 90 | 3:06-cv-03526 | Doolen | Daniel |
| 91 | 3:06-cv-03526 | Hayes | Howard |
| 92 | 3:06-cv-03526 | Hendricks | Lawrence |
| 93 | 3:06-cv-03526 | Howard | Willie |
| 94 | 3:06-cv-03526 | Isreal | Scott |
| 95 | 3:06-cv-03526 | Linberg | Richard |
| 96 | 3:06-cv-03526 | Miller | Deborah |
| 97 | 3:06-cv-03526 | Nairne | Joyce |
| 98 | 3:06-cv-03526 | Nall | Mabel |
| 99 | 3:06-cv-03526 | New | Louise |
| 100 | 3:06-cv-03526 | Poorman | Jim |
| 101 | 3:06-cv-03526 | Rainey | Joyce |
| 102 | 3:06-cv-03526 | Reynolds | James |
| 103 | 3:06-cv-03526 | Smith | Forrest |
| 104 | 3:06-cv-03526 | Smith | Walter |
| 105 | 3:06-cv-03526 | Stone | Paulette |
| 106 | 3:06-cv-03526 | Turnage | Peggy |
| 107 | 3:06-cv-03526 | Wallace | Raymond |
| 108 | 3:06-cv-03526 | Wood | Dimple |
| 109 | 3:06-cv-03526 | Woods | Eunice |
| 110 | 3:06-cv-03527 | Bullard | Arthur |
| 111 | 3:06-cv-03527 | Crum | Freda |
| 112 | 3:06-cv-03527 | Mills | Bessie |
| 113 | 3:06-cv-03528 | Adams | Tilford |
| 114 | 3:06-cv-03528 | Blankenship | Emma |
| 115 | 3:06-cv-03528 | Brady | Terriann |
| 116 | 3:06-cv-03528 | Bruner | Carlie |
| 117 | 3:06-cv-03528 | Bucklin | David |
| 118 | 3:06-cv-03528 | Buskirk | Jo |
| 119 | 3:06-cv-03528 | Castle | Tommy |
| 120 | 3:06-cv-03528 | Collins | Martin |
| 121 | 3:06-cv-03528 | Durrell | Elaine |
| 122 | 3:06-cv-03528 | Felton | Carroll |
| 123 | 3:06-cv-03528 | Gayheart | Billy |
| 124 | 3:06-cv-03528 | Griffin | Kervin |
| 125 | 3:06-cv-03528 | Hicks | Charles |
| 126 | 3:06-cv-03528 | Ingram | Tammy |
| 127 | 3:06-cv-03528 | Jackson | Sarah |
| 128 | 3:06-cv-03528 | James | Barbara |
| 129 | 3:06-cv-03528 | Johnson | Cathey |
| 130 | 3:06-cv-03528 | Johnson | Mildred |
| 131 | 3:06-cv-03528 | Ladner | Kirk |
| 132 | 3:06-cv-03528 | Leavings | Horace |

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EXHIBIT 1

| No. | Case Number | Plaintiff's Last Name | Plaintiff's First Name |
|------------|--------------------|------------------------------|-------------------------------|
| 133 | 3:06-cv-03528 | Martin | Clara |
| 134 | 3:06-cv-03528 | Maynard | Eva |
| 135 | 3:06-cv-03528 | Moore | Sarah |
| 136 | 3:06-cv-03528 | Moye | James |
| 137 | 3:06-cv-03528 | Noe | Kathy |
| 138 | 3:06-cv-03528 | Pack | Melda |
| 139 | 3:06-cv-03528 | Pellegrin | Justillian |
| 140 | 3:06-cv-03528 | Philpot | Shirley |
| 141 | 3:06-cv-03528 | Powell | John |
| 142 | 3:06-cv-03528 | Price | James |
| 143 | 3:06-cv-03528 | Roberts | Ricky |
| 144 | 3:06-cv-03528 | Schellhaas | William |
| 145 | 3:06-cv-03528 | Simmons | Verlina |
| 146 | 3:06-cv-03528 | Slone | Benny |
| 147 | 3:06-cv-03528 | Smallwood | Leroy |
| 148 | 3:06-cv-03528 | Smith | John |
| 149 | 3:06-cv-03528 | Smith | Margie |
| 150 | 3:06-cv-03528 | Spillers | Elizabeth |
| 151 | 3:06-cv-03528 | Sprague | Deborah |
| 152 | 3:06-cv-03528 | Sullwold | Aline |
| 153 | 3:06-cv-03528 | Swisher | John |
| 154 | 3:06-cv-03528 | White | Patricia |
| 155 | 3:06-cv-03655 | Langham | Vandell |
| 156 | 3:06-cv-03658 | Jermea | Ann |
| 157 | 3:06-cv-03663 | Douglas | Evelyene |
| 158 | 3:06-cv-03668 | McCullough | Bryan |
| 159 | 3:06-cv-03668 | McCullough | Cheryl |
| 160 | 3:06-cv-03671 | Graves | June |
| 161 | 3:06-cv-03671 | Graves | Larry |
| 162 | 3:06-cv-04090 | Scott | Willie |
| 163 | 3:06-cv-06160 | Duvall | Arlene |
| 164 | 3:06-cv-06160 | Duvall | Sam |
| 165 | 3:06-cv-06548 | Brandt | Gaylene |
| 166 | 3:06-cv-06548 | Cleek | Mary |
| 167 | 3:06-cv-06548 | Odom | Evelyn |
| 168 | 3:06-cv-07282 | Cote | Linda |
| 169 | 3:06-cv-07331 | Henry | Mamie |
| 170 | 3:06-cv-07392 | Wellborn | Joyce |
| 171 | 3:06-cv-07392 | Wellborn | Vernon |
| 172 | 3:06-cv-07649 | Boggs | Mary |
| 173 | 3:06-cv-07737 | Norris | Louise |
| 174 | 3:06-cv-07737 | Norris | Robert |
| 175 | 3:06-cv-07902 | Nunez | Jacob |
| 176 | 3:06-cv-07902 | Nunez | Linda |
| 177 | 3:06-cv-07903 | Lunday | Lonnie |

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| No. | Case Number | Plaintiff's Last Name | Plaintiff's First Name |
|-----|---------------|--|------------------------|
| 178 | 3:06-cv-07904 | Serrata | John |
| 179 | 3:06-cv-07904 | Serrata | Sharon |
| 180 | 3:07-cv-00106 | Sutherland | Sanford |
| 181 | 3:07-cv-00213 | Wiles | Geraldine |
| 182 | 3:07-cv-00443 | Burnside | Frieda |
| 183 | 3:07-cv-00862 | Lewis | Gwendolyn |
| 184 | 3:07-cv-00862 | Lewis | Richard |
| 185 | 3:07-cv-00864 | Surratt | Vena |
| 186 | 3:07-cv-01959 | Edwards | William |
| 187 | 3:07-cv-01973 | Caldwell | Jene |
| 188 | 3:07-cv-01973 | Caldwell | Richard |
| 189 | 3:07-cv-01973 | Lonardo | Riccardo |
| 190 | 3:07-cv-01973 | Stewart | Dorothy |
| 191 | 3:07-cv-01973 | Wadnik | Linda |
| 192 | 3:07-cv-01973 | Zamorski | John |
| 193 | 3:07-cv-02144 | Allgood | Ruth |
| 194 | 3:07-cv-02144 | Andrus | Isaac |
| 195 | 3:07-cv-02144 | Boose | Marilyn |
| 196 | 3:07-cv-02144 | Brown | Gary |
| 197 | 3:07-cv-02144 | Caudill | Janice |
| 198 | 3:07-cv-02144 | Dent | Daihann |
| 199 | 3:07-cv-02144 | Flato | Walter |
| 200 | 3:07-cv-02144 | Fromkneht | Wayne |
| 201 | 3:07-cv-02144 | Hauth | Charles |
| 202 | 3:07-cv-02144 | Hill | Beverly |
| 203 | 3:07-cv-02144 | Klink | Rosa |
| 204 | 3:07-cv-02144 | Koester | Michael |
| 205 | 3:07-cv-02144 | Lewis | Louanda |
| 206 | 3:07-cv-02144 | Martin | Robert |
| 207 | 3:07-cv-02144 | McCormick | Pamela |
| 208 | 3:07-cv-02144 | Merger | Terry |
| 209 | 3:07-cv-02144 | Schooley | Linda |
| 210 | 3:07-cv-02144 | Staples | Margaret |
| 211 | 3:07-cv-02144 | Torain | Kathy |
| 212 | 3:07-cv-02144 | Watkins | Tamara |
| 213 | 3:07-cv-02144 | Weddington | Trevis |
| 214 | 3:07-cv-02212 | Estate of Ann Hall by her Administrator Leslie Hall | |
| 215 | 3:07-cv-02212 | Samuel | Wagdy |
| 216 | 3:07-cv-03415 | Styles | Geneva |
| 217 | 3:07-cv-03415 | Styles | John |
| 218 | 3:07-cv-03419 | Chaney | Kevin |
| 219 | 3:07-cv-03492 | Vantine | Wendel |
| 220 | 3:07-cv-06088 | Allums | Marcus D. |
| 221 | 3:08-cv-01492 | Green | Jerome |

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EXHIBIT 1

| No. | Case Number | Plaintiff's Last Name | Plaintiff's First Name |
|-----|---------------|-----------------------|------------------------|
| 222 | 3:08-cv-03743 | Sjoberg | Gene |
| 223 | 3:09-cv-04314 | Russell | Mary |
| 224 | 3:09-cv-04315 | Dock | Trevaris |
| 225 | 3:09-cv-04316 | Garcon | Marie |
| 226 | 3:09-cv-04317 | Muscat | Catherine |
| 227 | 3:09-cv-04318 | Turner | Evelyn |
| 228 | 3:09-cv-04319 | Flagler | Ronald |
| 229 | 3:09-cv-04320 | Knight | Regina |
| 230 | 3:09-cv-04321 | Williams-Fudge | Elizabeth |
| 231 | 3:09-cv-04322 | Borja | Carlos |
| 232 | 3:09-cv-04323 | Roman | David |
| 233 | 3:09-cv-04324 | Charlot | Diela |
| 234 | 3:09-cv-04325 | Cutler | Weston |
| 235 | 3:09-cv-04326 | Edwards | Joyce |
| 236 | 3:09-cv-04327 | Garabedian | Khatchir |
| 237 | 3:09-cv-04328 | Gordon | Lena |
| 238 | 3:09-cv-04329 | Kaufman | Joseph |
| 239 | 3:09-cv-04330 | Berardi | Pasquale |
| 240 | 3:09-cv-04331 | Rodgers | Scott |
| 241 | 3:09-cv-04332 | Rutsky | Bruce |
| 242 | 3:09-cv-04333 | Levy | Robert |
| 243 | 3:09-cv-04334 | Schroeder | Catherine |
| 244 | 3:09-cv-04335 | West | Theresa |
| 245 | 3:09-cv-04346 | Tompkins | Willie |
| 246 | 3:09-cv-04347 | Codling | Vivia |
| 247 | 3:09-cv-04348 | Ellberg | Beverly |
| 248 | 3:09-cv-04349 | Savino | Michael |
| 249 | 3:09-cv-04350 | Grant | Oliver |
| 250 | 3:09-cv-04351 | Pawlak | Elaine |
| 251 | 3:09-cv-04352 | Pastore | Louis |
| 252 | 3:09-cv-04359 | Kelly | Hope |
| 253 | 3:09-cv-04360 | Charlot | Diela |
| 254 | 3:09-cv-04361 | Russell | Mary |
| 255 | 3:09-cv-04362 | Cardone | Natalie |
| 256 | 3:09-cv-04363 | Mazzarella | Lila |
| 257 | 3:09-cv-04364 | Roman | David |
| 258 | 3:09-cv-04365 | Eagen | Marcos |
| 259 | 3:09-cv-04366 | Vivona | Ben |
| 260 | 3:09-cv-04367 | Clinton | Cathi |
| 261 | 3:09-cv-04368 | Petty | Joan |
| 262 | 3:09-cv-04369 | Fughett | Eureatha |
| 263 | 3:09-cv-04371 | Sabow | Bruce |
| 264 | 3:09-cv-04372 | Carmichael | Cecilia |
| 265 | 3:09-cv-04373 | Gholston | Carey |
| 266 | 3:09-cv-04374 | Gwynn | William |

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EXHIBIT 1

| No. | Case Number | Plaintiff's Last Name | Plaintiff's First Name |
|------------|--------------------|------------------------------|-------------------------------|
| 267 | 3:09-cv-04375 | Hollingsworth | Dharl |
| 268 | 3:09-cv-04376 | Iglesia | Olimpia |
| 269 | 3:09-cv-04377 | Johnson | Danny |
| 270 | 3:09-cv-04395 | Claypool | David |
| 271 | 3:09-cv-04438 | Dady | Eva |
| 272 | 3:09-cv-04440 | Kalil | Joe |
| 273 | 3:09-cv-04441 | Major | Jean |
| 274 | 3:09-cv-04442 | Miller | Ruth |
| 275 | 3:09-cv-04443 | Niemeyer | Thomas |
| 276 | 3:09-cv-04444 | Novak | Leon |
| 277 | 3:09-cv-04445 | Smith | Dale |
| 278 | 3:09-cv-04446 | Theodoris | Lacienne |
| 279 | 3:09-cv-04464 | Mainer | Henry |
| 280 | 3:09-cv-04627 | Mayweather | Earnest |
| 281 | 3:09-cv-04628 | Sabio | John |
| 282 | 3:09-cv-04629 | Pruett | Patricia |
| 283 | 3:09-cv-04632 | Roberts | Earnestine |
| 284 | 3:09-cv-04634 | Stanley | Edward |
| 285 | 3:09-cv-04635 | Viger | Sharon |
| 286 | 3:09-cv-04636 | Watson | Elizabeth |
| 287 | 3:09-cv-04638 | Bialek | Carol |
| 288 | 3:09-cv-04640 | Clinton | Cathi |
| 289 | 3:10-cv-04345 | Murillo | Rachael |